

IN THE FRANKLIN COUNTY MUNICIPAL COURT  
FRANKLIN COUNTY, OHIO  
ENVIRONMENTAL DIVISION

FILED  
21 APR -7 AM 11:30  
FRANKLIN COUNTY  
MUNICIPAL COURT  
LORI M. TYACK

STATE EX. REL

COLUMBUS CITY ATTORNEY

ZACH KLEIN

Relator - Plaintiff,

v.

DIANA WILLIAMS, et. al.

Respondents –Defendants.

Case No.

Judge Stephanie Mingo

**ORDER FOR PRELIMINARY INJUNCTIVE RELIEF**

This matter came before the Court on April 7, 2021, on Plaintiff's Motion for Preliminary Injunction filed in conjunction with a Complaint for Preliminary and Permanent Injunctive Relief. Plaintiff State ex rel. Klein ("Plaintiff") was represented by Assistant City Attorney Christopher Clark.

Having considered the evidence and testimony admitted at the Preliminary Injunction Hearing, the Court hereby **FINDS** as follows:

1. The real property that is the subject matter of this complaint is located at 839 Bellevue Avenue, Parcel Nos. 010-114731, 010-114730, and 010-114801 situated in the City of Columbus, Franklin County, Ohio ("the Premises") on which is constructed as a building for a one family dwelling.
2. Respondent-Defendant Diana Williams has been the record owner of the Premises located at 839 Bellevue Avenue since April 11, 2013.

3. The Premises came to the attention of Columbus Police Department ("CPD") and more specifically the CPD Narcotics Bureau ("CPD Narcotics") in 2019.
4. On May 21, 2019, a caller made a complaint to CPD Narcotics of narcotics activity occurring at the Premises. The caller provided information on six locations selling drugs and stated this was one of them.
5. On August 22, 2019, another caller made a complaint to CPD Narcotics of narcotics activity at the Premises. The caller stated that drug activity has been going on for several years and claimed nothing was being done. The caller claimed the location was a refugee camp for "crackheads and prostitutes".
6. On August 22, 2019, another call was made to CPD Narcotics of narcotics activity at the Premises. The caller stated the Premises was a drug house, selling meth and heroin, and people were over dosing all the time. The caller also stated babies lived in the Premises and it was very dangerous.
7. The next day, CPD Narcotics received a complaint regarding the Premises. The caller stated heroin and meth were being sold from the Premises by Diane Williams. The caller stated they have observed small kids, some in diapers on the Premises. The caller also stated various cars come and go to buy drugs or use drugs in the Premises. They stated the busiest times were 8am to 9pm – seven days a week.
8. On August 10, 2020, another call was made to CPD Narcotics regarding narcotics activity at the Premises. The caller stated heroin was being sold out of the home. They also stated there is traffic everyday with heaviest traffic around 4pm. The caller reported there have been several overdoses at the Premises. The caller also complained that

needles are found in “our yards” and individuals come pounding on doors and cars and steal items from the yards.

9. On August 13, 2020, CPD received another call regarding Narcotics use at the Premises. The caller stated the house has a lot of traffic. They described the Premises like a revolving door where drug addicts live in the garage, in the shed beside the house and individuals shoot up heroin and fentanyl outside on the porch.
10. On October 5, 2020, CPD Detectives Cone and George, along with a confidential informant, executed a controlled purchase of heroin at the Premises using \$20.00 from official funds.
11. On October 13, 2020, CPD Detectives Lazar and Foe, along with a confidential informant, executed a controlled purchase of heroin at the Premises using \$20.00 from official funds.
12. Later that day, a Franklin County Municipal Court Judge authorized a search warrant for the Premises.
13. The same day, CPD Narcotics executed the search warrant. During the execution the said search warrant, CPD recovered 10 grams of fentanyl, .2 grams of marijuana, Xanax, a surveillance camera, miscellaneous ammunition, multiple boxes of ammunition and shotgun shells on the Premises. In addition, they recovered 7.84 grams of fentanyl and a digital scale in one of the vehicles of individuals on the Premises, US Currency, including money from city funds in the brassiere of another individual, three grams of fentanyl in another vehicle.
14. On October 19, 2020, Detective Malone sent a notice to Diana Williams advising of the narcotics activity at the Premises.

15. Plaintiff has established by clear and convincing evidence that the Premises is a nuisance per se as defined in C.C.C. § 4703.01(F).
16. The Premises, and specifically the felony narcotics activity and violent crime, constitutes an imminent danger for those in and around the Premises.
17. Failure to issue this Preliminary Injunction Order would allow the dangerous illegal activity to continue, thereby causing immediate and irreparable injury, loss or damage to Plaintiff and to the community.

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT:**

1. All persons are hereby preliminarily enjoined from further maintaining a public nuisance at or on the Premises.
2. The Premises located at 839 Bellevue Avenue in its entirety, including all structures, buildings, curtilage, parking lot areas and/or enclosures, shall be closed, padlocked, boarded or secured as deemed necessary by the Chief of the Columbus Police Department or his or her designee(s) against its use for any purpose until a final decision is rendered on the Complaint for Preliminary and Permanent Injunctive Relief as required by R.C. § 3767.04.
3. Board up of the Premises located at 839 Bellevue Avenue shall be executed by End of Day on ~~APR~~ NO LATER THAN APRIL 8, 2021.
4. The Columbus Division of Police is authorized to seize and inventory any and all personal property located in 839 Bellevue Avenue related to or in connection with the illegal conduct. The Columbus Division of Police may also remove and secure at an off-site location highly mobile and valuable property, including but not limited to such

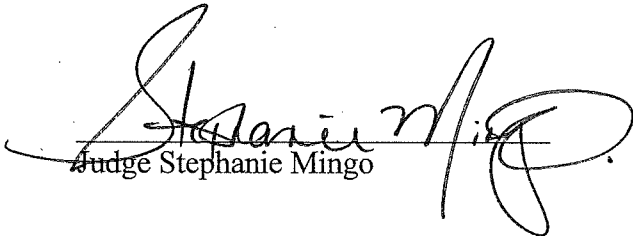
personal property as automobiles, cash, jewelry and electronic equipment which may be at risk of theft during the pendency of this Preliminary Injunction Order.

5. Any violation of this order, including mutilation of this order, is contempt of court, punishable as a first degree misdemeanor.
6. This case is continued for further permanent injunction hearing on the merits of Relator's Complaint for Preliminary and Permanent Injunctive Relief on the April 19<sup>th</sup>, 2021 at <sup>10:30</sup>~~9:00~~ a.m. in courtroom 15B, located on the 15<sup>th</sup> floor of 375 S. High Street, Columbus, Ohio 43215. This Order shall remain in effect until that time or as otherwise ordered by this Court.

Pursuant to Civ. R. 58, the Clerk of Court is directed to notify the Parties as they appear below.

**IT IS SO ORDERED.**

4-7-2021  
Date

  
Judge Stephanie Mingo